

Application No. 10/021,691
Filing Date: November 5, 2001
Docket No. PC 32130

REMARKS

Applicants have elected to proceed with group I, claims 1-14. Applicants have cancelled claims 15-22 without prejudice.

Claims 1-14 were rejected under 35 USC 112. Applicants have amended claims 3, 4 and 11. The typographical error in claim 7 has been corrected and "prodrugs of pyruvic acid and mixtures thereof" from claim 8 has been deleted. Applicants have further made two minor corrections in the wording of claims 9 and 14. Applicants believe that in view of the amendments the removal of the rejections is appropriate.

The Examiner has also rejected claims 1 and 6 under 35 USC 102, as being anticipated by Dumoulin et al. Applicants submit that Dumoulin does not disclose the each and every element of the Applicant's invention. Accordingly, removal of the rejection is warranted.

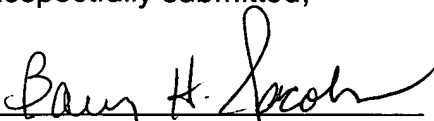
The Examiner's rejection of claims 1 to 14 under 35 USC 103 as being unpatentable over Gokhale et al in view of Atanasiu et al, the latter also . The Office Action alleges that Gokhale et al discloses that the mixture of pyruvate, vitamin E and lipid, has an antioxidant activity. Applicants respectfully note that this article does not make any specific reference to the treatment of heart oxidative stress related condition. Additionally, there is no suggestion that a synergistic cardioprotective effects on cardiac cells are obtained when both of these products are combined. Applicants note that Figure 3 details how the Applicants' invention has a better cardio protective effect than ceruloplasmin alone. The synergistic effect of the Applicant's invention is surprising and unexpected. Accordingly, Applicants respectfully submit that the present invention is not disclosed or suggested by the combination of the cited references. As such, Applicants respectfully submit that withdrawal of the rejections is appropriate and the application is in condition for allowance.

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Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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